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10/562,576

12/27/2005

In-Yeol Jeong

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EXAMINER

DUNWOODY, AARON M

ART UNIT

PAPER NUMBER

3679

NOTIFICATION DATE

DELIVERY MODE

11/19/2009

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
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| | | | |
|------------------------------|--------------------------------------|---------------------------------------|--|
| Office Action Summary | Application No. 10/562,576 | Applicant(s) JEONG, IN-YEOL | |
| | Examiner Aaron M. Dunwoody | Art Unit 3679 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-56 is/are pending in the application.
- 4a) Of the above claim(s) 1-19 and 21-45 is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 20 and 46-56 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 December 2005 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Election/Restrictions

Claims 1-19, 21-45 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 1/21/2009.

Applicant's election with traverse of species IX in the reply filed on 1/21/2009 is acknowledged. The traversal is on the ground(s) that claim 20 is a generic claim. This is not found persuasive because claim 20 is not generic to all species. In the election response, Applicant concedes that claim 20 is generic for claims 21-32 and 46-56; however, for a claim to be considered generic it must read on all species/embodiments. Claim 20 does not read on all species/embodiment.

The requirement is still deemed proper and is therefore made FINAL.

Information Disclosure Statement

The information disclosure statement filed 12/27/2005 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each cited foreign patent document; each non-patent literature publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed.

Drawings

Figures 1 and 2 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled

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"Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informalities:

The original disclosure recites "body 420" and "body 320"; however, both of these statements cannot be correct.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 20 and 46-56 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 20 recites "the head includes an inserting unit formed irregularly on an upper surface"; however, it is not clear to the Examiner how the inserting unit is formed irregularly on an upper surface. The inserting unit is irregular compared to what?

The terms "lower" and "upper" in claim 20 are relative terms which render the claim indefinite. The terms "lower" and "upper" are not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one

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of ordinary skill in the art would not be reasonably apprised of the scope of the invention.

In regards to claim 20, it appears as though Applicant is attempting to define the subcombination of an adapter in terms of the combination of an adapter and a hose. One example is "the inserting unit has a width smaller than that of the pressing unit and the pressing unit has a diameter greater than that of the hole of the hose". For examination purposes, the Examiner will assume the subcombination of an adapter is the claimed invention, and will interpret the claims accordingly. Applicant should amend claims accordingly.

Claim 47 recites the limitation "the vertex" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 20 and 46-56 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 1182898, Eilertsen.

In regards to claims 20 and 46-56, Eilertsen discloses an adapter for branching a hose, comprising:

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a body (10) including a passage through which fluid passes, an inlet formed at one end thereof to be inserted into a hose, and an outlet formed at the other end thereof to be connected to the adapter, the outlet being protrudently installed to the hose;

a head (13) formed at the inlet side of the body, the head being insertedly connected to a hole of the hose; and

a coupling unit (12) including a coupling member, in which the coupling member is arranged adjacent to the inlet and coupled to a coupled member such as an inserting groove or screwing unit formed at an outer surface of the body;

wherein the head includes an inserting unit formed irregularly on an upper surface thereof and a pressing unit formed on a lower surface thereof, in which the inserting unit has a width smaller than that of the pressing unit and the pressing unit has a diameter greater than that of the hole of the hose;

and a packing member (19).

Claims 20 and 46-56 are rejected under 35 U.S.C. 102(b) as being anticipated by US patent 4699217, McLennan et al.

In regards to claims 20 and 46-56, McLennan et al disclose an adapter for branching a hose, comprising:

a body (18) including a passage through which fluid passes, an inlet formed at one end thereof to be inserted into a hose, and an outlet formed at the other end thereof to be connected to the adapter, the outlet being protrudently installed to the hose;

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a head (20) formed at the inlet side of the body, the head being insertedly connected to a hole of the hose; and

a coupling unit (30) including a coupling member, in which the coupling member is arranged adjacent to the inlet and coupled to a coupled member such as an inserting groove or screwing unit formed at an outer surface of the body;

wherein the head includes an inserting unit formed irregularly on an upper surface thereof and a pressing unit formed on a lower surface thereof, in which the inserting unit has a width smaller than that of the pressing unit and the pressing unit has a diameter greater than that of the hole of the hose;

and a packing member (34).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aaron M. Dunwoody whose telephone number is 571-272-7080. The examiner can normally be reached on 7:30 am - 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Daniel P. Stodola can be reached on 571-272-7087. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Aaron M Dunwoody/
Primary Examiner, Art Unit 3679

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